#114

(R-2023-196)

RESOLUTION NUMBER R- 314453

DATE OF FINAL PASSAGE NOV 28 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN 4150 NATIONAL AVENUE, LLC AND THE CITY OF SAN DIEGO.

WHEREAS, on August 6, 2019, 4150 National Avenue, LLC filed suit against the City of San Diego, alleging property damage from flooding on December 6, 2018, from the Chollas Creek watershed. The suit is entitled 4150 National Avenue, LLC. v. City of San Diego, San Diego Superior Court Case No. 37-2019-00040972-CU-EI-CTL (Litigation); and

WHEREAS, in closed session on October 11, 2022, the San Diego City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and 9; Nays, none; Absent, 8, approved the settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$423,689.52 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the Litigation.

	2. Authorizes the Chief Financial Of	ficer to expend an amount not to exceed
\$423,	689.52 from Public Liability Fund No. 720	045, for purpose of settling the Litigation.
APPF	ROVED: MARA W. ELLIOTT, City Attorn	ney
Ву	/s/ Catherine L. Turner	
Бу	Catherine L. Turner Deputy City Attorney	
Or D CC N	zjn ber 12, 2022 ept: City Attorney No. 3000015210 No. 3115124	
I cert	tify that the foregoing Resolution was passe ing ofNUV 1 5 2022	ed by the Council of the City of San Diego, at this
		ELIZABETH S. MALAND City Clerk
		By KMATUL MEMBE Deputy City Clerk
App	roved:(date)	TODD GLORIA, Mayor
Veto	oed:(date)	TODD GLORIA, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

			C	ERTIFICATE OF UNA	VALLOTTED BALANCE ORIGINATING			ORIGINATING DEPT.	
ا	HEREB	CERTIFY that	the money rec	uired for the allotm ne into the Treasury	ent of fur , and is ot	nds for the	e purpose se nallotted.	t forth in the fore	going resolution
nount		rieasury, or is an	desputed to ee.	\$423,689.52					
rpose	e:	Settlement of 4150 Risk No. 21140) National Avenu	ue, LLC v. City of San	Diego, Sai	n Diego Su	perior Court C	ase No. 37-2019-00	040972-CU-EI-C1
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ate:			Octo	ber 28, 2022			By: Christ	opher Purcell Char COMPTROLLER'S D	istopher Puri
	<u> </u>			ACCOUN	TING DATA				
oc.	<u> </u>				G/L	Business		WBS	Original Amount
em l	Fund 720045	Funded Program	Internal Order	Functional Area OTHR-000000000-GG	Account 512007	Area 1515	Cost Center 1515000011	WD3	\$423,689.52
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	_							TOTAL AMOUNT	\$423,689.5
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CC 3000015210

CC-361 (REV 7-09)

Passed by the Council of The Cit	v of San Dies	0 on	OV 1 5 2022	, by the following vote:				
Passed by the Council of The City of San Diego on, by the following vote:								
Councilmembers	Yeas	Nays	Not Present	Recused				
Joe LaCava	N.							
Jennifer Campbell	$ \boxtimes $							
Stephen Whitburn	Ø							
Monica Montgomery Ste	ppe 🛛							
Marni von Wilpert	X.							
Chris Cate	Ø							
Raul A. Campillo	<u> </u>	П						
Vivian Moreno			N N					
Sean Elo-Rivera	Ø							
(Please note: When a resolut date the approved resolution	tion is appro	oved by the Ma ned to the Offi	ce of the City Ci	erk.)				
(Seal)		City Cl	ELIZABETH : erk of The City o	S. MALAND f San Diego, California.				
		Ву	Knystull	Medina, Deputy				
		Office of th	e City Clerk, San	Diego, California				
	Re	esolution Numb	31 per R	4453				

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